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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,825	04/08/2005	Justus Petersson	P17642-US1	7733
27045 7590 10/18/2007 ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER CEHIC, KENAN	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/530,825	Applicant(s) PETERSSON ET AL.	
	Examiner Kenan Cehic	Art Unit 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/08/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because "said", in line 1, 5, "means in line 1, 4-7. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

2. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 6 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 6 recites the limitation " the rate controlling means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

It is not know which rate controlling means the applicant is referring to.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claim 1-5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827), hereinafter Patel.

For claim 1, Yamoto discloses Telecommunication system (see figure 8, 100-108 and see column 5 lines 34-35, "general radio communications system") including a Radio Controlling Entity (see Figure 4, "Radio base station"), a first mobile terminal and a second mobile

terminal, comprising:

first rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) residing in said Radio Controlling Entity (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) for controlling bit rates (see column 8 lines 51-54 "active connections managed by ...base station...rate...to each connection will change" and see column 8 lines 13-20 "data transmission rate...will vary depending...number of connections..in communications at one base stations") of a first radio link (see Figure 4 Terminal A and column 8 lines 54-57 "carrying out communications with the radio base station") to said first mobile terminal (see Figure 4, Terminal A);

second rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) arranged for controlling bit rates (see column 8 lines 13-20 "data transmission rate...will vary depending...number of connections..in communications at one base stations" and column 8 lines 51-54 "active connections managed by ...base station...rate...to each connection will change")

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of a second radio link (see Figure 4 Terminal B and column 8 lines 54-57 “carrying out communications with the radio base station”) to said second mobile terminal (see Figure 4 Terminal B) ;

wherein the first rate controlling means (see column 8 lines 13-20 “at one base stations” and Figure 4, Radio base station) further comprises means (see column 8 lines 13-20 “at one base stations” and Figure 4, Radio base station) for notifying (see column 8 lines 54-61 “notifies the change...to the radio base station itself”) the

second rate controlling means (see column 8 lines 54-61 “notifies the change...to the radio base station itself”) about a change of the bit rates (see column 8 lines 58-60 “data transmission rate...will increase. Consequently, the radio base station requests...make the time interval shorter”) of said first radio link (see Figure 4 Terminal A and column 8 lines 54-57 “carrying out communications with the radio base station” and column 8 line 58-60 “rate ...to each connection will increase”);

negotiating means (see column 8 lines 13-20 “at one base stations” and Figure 4, Radio base station) for negotiating (see column 8 lines 51-54 “active connections managed by the radio base station”) a corresponding change to the bit rate (see column 8 lines 57-60 “data transmission rate...will increase” and column 8 lines 61-65, “ data transmission rate ...will decrease”) of the second radio link (see column 8 lines 57-60 “data transmission rate... each connection will increase” and column 8 lines 61-65, “ data transmission rate ...each connection will decrease” and Figure 4, Terminal B and Radio base station and column 8 lines 54-57 “carrying out communications with the radio base station”).

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the first (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) and the second rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station).

For claim 2, Yamoto discloses said second rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) resides within the same radio Controlling Entity (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) as the first radio controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station).

For claim 3, Yamoto discloses wherein the first rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) comprises the negotiating means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) and the second rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) comprises the second negotiating means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station).

For claim 4, Yamoto discloses wherein the negotiating means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) is located (see Figure 8, 108, 100, and 104) in an intermediate node (see Figure 8, 100 and 102) within said telecommunication system (see figure 8, 100-108 and see column 5 lines 34-35, "general radio communications system").

For claim 5 Yamoto discloses, wherein the first rate controlling means (see column 8 lines 54-55 “base station notifies...base station itself” and Figure 4, Radio base station) comprises means (see Figure 8, 100 or 102 and Figure 9, 120) for notifying (see column 8 lines 54-55 “base station notifies...base station itself”) the second rate controlling means (column 8 lines 54-55 “base station notifies...base station itself” and Figure 4, Radio base station) .

Yamoto is silent about:

As regarding claim 1, further comprise means for notifying their respective mobile terminals.to modify their application layer bit rates in accordance with said negotiated bit rate.

As regarding claim 5, by means of any of the parameters IP-address, port number and/or rate control identity of the second terminal.

As regarding claim 8, wherein the telecommunication system comprises and/or a General Packet Radio Service (GPRS) System, and/or a WLAN system.

Patel et al from the same or similar field of endeavor discloses feedback technique in a Mobile IP network with the following features:

As regarding claim 1,further comprise means for notifying (see section 0054 lines 4-7 “is received at a participant node”) their respective mobile terminals.(see section 0054 lines 4-6 “at a participant node”) to modify their application layer bit rates (see section 0054

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lines 4-9 “RTP layer...adapts...encoding... to the new Link characteristic change message” and see section 0043 lines 12-18 “application layer to reduce their rate of data data transmission in accordance with the new link characteristics”) in accordance with said negotiated bit rate (see section 0054 lines 9-11 “link bandwidth information” and section 0007 lines 17-23...GPRS link...144kps..CDPD...9.6kpps).

As regarding claim 5, Patel discloses by means (see section 0053 lines 3-15 “RTP notify other peer devices...to change link characteristics”) of any of the parameters IP-address (see section 0009 lines 6-11 “IP address”) of the second terminal (see section 0009 lines 6-11 “correspondent node...mobile node”).

As regarding claim 8, Patel discloses wherein the telecommunication system (see section 0035 lines 6-8 “Mobile IP network”) comprises and/or a General Packet Radio Service (GPRS) System (see section 0035 lines 8-10 “GPRS”), and/or a WLAN system (see section 0035 lines 8-10 “WLAN”).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Yamoto by using the features, as taught by Patel et al., in order to provide ... (see section 0014 and section 0056 lines 10-14).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) as applied to claim above 1, and further in view of Kan et al (US 2004/0073655).

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For claim 6, Yamoto and Patel discloses the claimed invention as described in paragraph 5 . Furthermore, Yamoto discloses the rate controlling means (see column 8 lines 13-20 “at one base stations” and Figure 4, Radio base station).

Yamoto and Patel are silent about:

wherein comprises means for sniffing IP header in a data flow.

Kan et al from the same or similar field of endeavor discloses:

wherein comprises means for sniffing (see section 0006 lines 11-12 “traffic sniffers”) IP/TCP header (see section 0006 lines 11-12 “TCP/IP...packet header”) in a data flow (see section 0006 lines 29 “traffic flow”).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) by using the features, as taught by Kan, in order to provide ... (see section 0004 lines 1-13).

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) as applied to claim 1 above, and further in view of Dorenbsch (US 2003/0095).

For claim 7, Yamoto and Patel disclose the claimed invention as described in paragraph 5. Furthermore, Yamoto discloses first rate controlling means (see column 8 lines 13-20 “at one base stations” and Figure 4, Radio base station) .

Yamoto and Patel are silent about:

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As regarding claim 7, wherein the first mobile terminal comprises means for passing any of the parameters IP address, port number and/or rate control identity of the second mobile terminal to the first rate controlling means during a service set-up.

Dorenbsch from the same or similar field of endeavor discloses a call initiation protocol with the following features:

As regarding claim 7, wherein the first mobile terminal (see section 0042 lines 3- "user1 and user2") comprises means for passing (see section 0043 lines 4-8 "shows receiving, at a central point...originators...IP address") any of the parameters IP address (see section 0043 lines 7-9 "IP address"), port number (see section 0043 lines 7-9 "port number") of the second mobile terminal (see section 0043 lines 7-9 "originators" and section 0039 lines 1-10 "user3 wishes to have a...call" and section 0016 lines 1-3 "WAN" and section 0016 lines 35-45 user3@domainB) to the during a service set-up (see section 0043 lines 4-7 "call set-up").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) by using the features, as taught by Dorenbsch, in order to provide ... (see section 0004 lines 17-19 and section 0012).

8. Claim 9-13, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) and Behtash et al. (US 5,745,480).

As regarding claim 1, Yamoto discloses method in a telecommunication system (see figure 8, 100-108 and see column 5 lines 34-35, "general radio communications system")

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including a first rate controlling means Entity (see Figure 4, "Radio base station") residing in a Radio Controlling Entity Entity (see Figure 4, "Radio base station") for controlling bit rates (see column 8 lines 13-20 "data transmission rate...will vary depending...number of connections..in communications at one base stations" and column 8 lines 51-54 "active connections managed by ...base station...rate...to each connection will change") of a first radio link (see Figure 4 Terminal A and column 8 lines 54-57 "radio terminalscarrying out communications with the radio base station") to a first mobile terminal (see Figure 4, Terminal A), a second rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) for controlling bit rates (see column 8 lines 13-20 "data transmission rate...will vary depending...number of connections..in communications at one base stations" and column 8 lines 51-54 "active connections managed by ...base station...rate...to each connection will change") of a second link (see Figure 4 Terminal B and column 8 lines 54-57 "radio terminalscarrying out communications with the radio base station") to a second terminal (see Figure 4, Terminal B), wherein said first rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) is associated with a first negotiating means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) and said second rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) is associated with a second negotiating means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) comprising the steps of :

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detecting a change (see column 8 lines 45-50 "radio base station recognizes the change in active connections") of the bit rates (see column 8 lines 45-54 "number of...connections managed by the radio station change, ...rate....to each connection will change") of said first radio link (see Figure 4 Terminal A and column 8 lines 54-57 "radio terminalscarrying out communications with the radio base station") with said first mobile terminal (see Figure 4, Terminal A);

notifying (see column 8 lines 54-61 "notifies the change...to the radio base station itself") the second rate controlling means (see column 8 lines 54-61 "notifies the change...to the radio base station itself") about said change of the bit rates (see column 8 lines 58-60 "data transmission rate...will increase.

Consequently, the radio base station requests...make the time interval shorter") of said first radio link (see Figure 4 Terminal A and column 8 lines 54-57 "carrying out communications with the radio base station" and column 8 line 58-60 "rate ... each connection will increase");

For claim 10, Yamoto discloses said second rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) resides within the same radio Controlling Entity (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) as the first radio controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station).

For claim 11, Yamoto discloses wherein the first rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) comprises the negotiating means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio

base station) and the second rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) comprises the asecond negotiating means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station).

For claim 12, Yamoto discloses wherein the step of negotiation is performed by an intermediate node (see Figure 8, 100 , 104, 108). aeans (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) is located (see Figure 8, 108,100, and 104) in an intermediate node (see Figure 8, 100 and 102) within said telecommunication svstem (see figure 8, 100-108 and see column 5 lines 34-35, "general radio communications system").

For claim 13, Yamoto discloses, step of notifying (see column 8 lines 54-55 "base station notifies...base station itself") the second rate controlling means (column 8 lines 54-55 "base station notifies...base station itself" and Figure 4, Radio base station).

As regarding claim 19, Yamoto discloses a rate controlling means (see Figure 4, "Radio base station") residing in a Radio

Controlling Entity (see Figure 4, "Radio base station") in a telecommunication system (see figure 8, 100-108 and see column 5 lines 34-35, "general radio communications system") including a first mobile terminal (see Figure 4, Terminal A) and a second mobile terminal (see Figure 4, Terminal B) comprising;

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means (see Figure 4, "Radio base station") for controlling bit rates (see column 8 lines 13-20 "data transmission rate...will vary depending...number of connections..in communications at one base stations" and column 8 lines 51-54 "active connections managed by ...base station...rate...to each connection will change") of a first radio link (see Figure 4 Terminal A and column 8 lines 54-57 "radio terminalscarrying out communications with the radio base station") to said first mobile terminal (see Figure 4, Terminal A), said rate controlling means (see Figure 4, "Radio base station") further comprises means for notifying (see column 8 lines 54-61 "notifies the change...to the radio base station itself") a second rate controlling means (see Figure 4, "Radio base station") controlling bit rates (see column 8 lines 13-20 "data transmission rate...will vary depending...number of connections..in communications at one base stations" and column 8 lines 51-54 "active connections managed by ...base station...rate...to each connection will change") of a second radio link (see Figure 4 Terminal B and column 8 lines 54-57 "radio terminalscarrying out communications with the radio base station") to said second mobile terminal (see Figure 4, Terminal B) in response (see column 8 lines 52-55 "rate..will change, so that the radio base station notifies") to a change of the bit rates (see column 8 lines 58-60 "data transmission rate...will increase. Consequently, the radio base station requests...make the time interval shorter") of said first radio link (see Figure 4 Terminal A and column 8 lines 54-57 "radio terminalscarrying out communications with the radio base station");

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As regarding claim 20, Yamoto disclose wherein said first negotiating means (see Figure 4, "Radio base station") is located in the rate controlling means (see Figure 4, "Radio base station").

For claim 21, Yamoto discloses, wherein said means for notifying (see column 8 lines 54-55 "base station notifies...base station itself") the second rate controlling means (column 8 lines 54-55 "base station notifies...base station itself" and Figure 4, Radio base station).

Yamoto is silent about:

As regarding claim 9, negotiating a corresponding change of the bit rate of said second link between the first and second negotiating means, and notifying the first mobile terminal and second terminal to modify their application layer bit rates in accordance with said negotiated bit rate.

As regarding claim 12, step of negotiation (see column 4 lines 3-7 "negotiations") is performed by an intermediate node (see column 4 lines 26-31 "terminals connect...base-station connects to a telecommunications network").

As regarding claim 16, wherein the telecommunication system comprises and/or a General Packet Radio Service (GPRS) System, and/or a WLAN system.

Behtash et al from the same or similar field of endeavor discloses a multi-rate wireless communications system with the following features:

As regarding claim 9, Behtash discloses negotiating (see column 4 lines 3-7 "negotiations") a corresponding change (see column 4 lines 3-7 "determines the

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appropriate bit rate”) of the bit rate (see column 4 lines 3-7 “determines the appropriate bit rate”) of said second link (see column 5 lines 53-56 “reverse link...forward link.”) between the first (see column 4 lines 3-7 “base station”) and second negotiating means (see column 4 lines 3-7 “control logic...of the user terminal”).

As regarding claim 12, Behtash discloses the step of negotiation (see column 4 lines 3-7 “negotiates”) is performed by an intermediate node (see column 4 lines 26-31 “terminals connect...base-station connects to a telecommunications network”)

As regarding claim 19, a first (see column 4 lines 3-7 “base station”) and second negotiating means (see column 4 lines 3-7 “control logic...of the user terminal”) for negotiating (see column 4 lines 3-7 “negotiates”) a corresponding change (see column 4 lines 3-7 “determines the appropriate bit rate”) of the bit rate (see column 4 lines 3-7 “determines the appropriate bit rate”) of said second radio link (see column 5 lines 53-56 “reverse link...forward link.”) for said second mobile terminal (see column 4 lines 3-7 “user terminal”); and means (see column 4 lines 3-7 “base station”) for receiving a result (see column 5 lines 32-38 “offer is accepted...se up connection”) from said negotiation means (see column 4 lines 3-7 “control logic...of the user terminal” and column 5 lines 32-38 “user terminal determines...offer is accepted”);

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Patel et al from the same or similar field of endeavor discloses feedback technique in a Mobile IP network with the following features:

As regarding claim 9, Patel discloses notifying (see section 0054 lines 4-7 “is received at a participant node” and see section 0053 lines 1-6 “RTP may notify other peer devices...using a ..change message”) the first mobile terminal and second terminal (see to modify their application layer bit rates (see section 0054 lines 4-9 “RTP layer...adapts...encoding... to the new Link characteristic change message” and see section 0043 lines 12-18 “application layer to reduce their rate of data data transmission in accordance with the new link characteristics”) in accordance with said negotiated bit rate (see section 0054 lines 9-11 “link bandwidth information” and section 0007 lines 17-23...GPRS link...144kps..CDPD...9.6kpps).

As regarding claim 13, Patel discloses is performed by means (see section 0053 lines 3-15 “RTP notify other peer devices...to change link characteristics”) of any of the parameters IP-address (see section 0009 lines 6-11 “IP address”) of the second terminal (see section 0009 lines 6-11 “correspondent node...mobile node”)..

As regarding claim 16, Patel discloses wherein the telecommunication system (see section 0035 lines 6-8 “Mobile IP network”) comprises and/or a General Packet Radio Service (GPRS) System (see section 0035 lines 8-10 “GPRS”), and/or a WLAN system (see section 0035 lines 8-10 “WLAN”).

As regarding claim 19, Patel discloses means (see section 0053 lines 1-6 “RTP may notify other peer devices...using a ..change message”) notifying (see section 0054 lines

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4-7 “is received at a participant node”) the first mobile terminal and second terminal (see to modify their application layer bit rates (see section 0054 lines 4-9 “RTP layer...adapts...encoding... to the new Link characteristic change message” and see section 0043 lines 12-18 “application layer to reduce their rate of data data transmission in accordance with the new link characteristics”) in accordance with said negotiated bit rate (see section 0054 lines 9-11 “link bandwidth information” and section 0007 lines 17-23...GPRS link...144kps..CDPD...9.6kpps).

As regarding claim 21, Patel discloses notifying (see section 0053 lines 3-15 “RTP notify other peer devices...to change link characteristics”) uses any of the parameter IP address (see section 0009 lines 6-11 “IP address”) of the second terminal (see section 0009 lines 6-11 “correspondent node...mobile node”).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Yamoto by using the features, as taught by Behtash and Patel et al., in order to provide.....(See Behtash, column 1 lines 63 through column 2 line 10); and in order to provide ... (see Patel et al, section 0014 and section 0056 lines 10-14).

9. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) and Behtash et al. (US 5,745,480) as applied to claim above 13, and further in view of Kan et al (US 2004/0073655).

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For claim 14, Yamoto and Patel discloses the claimed invention as described in paragraph 8.. Furthermore, Yamoto teaches the second terminal (see Figure 4, Terminal B).

Yamoto and Patel are silent about:

As regarding claim 14, sniffing an IP/UDP/TCP/HTTP header in a data flow in order to obtain any of the parameters the IP-address, port number and/or rate control identity.

Kan et al from the same or similar field of endeavor discloses:

Sniffing (see section 0006 lines 11-12 "traffic sniffers") an IP/TCP/ header (see section 0006 lines 11-12 "TCP/IP...packet header") in a data flow see section 0006 lines 29 "traffic flow") in order to obtain any of the parameters the IP-address (see section 0006 lines 11-13 "collect of the entire TCP/IP packet"; this includes IP address).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) by using the features, as taught by Kan, in order to provide ... (see section 0004 lines 1-13).

10. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) and Behtash et al. (US 5,745,480) as applied to claim 13 above, and further in view of Dorenbsch (US 2003/0095).

For claim 15, Yamoto and Patel disclose the claimed invention as described in paragraph 8. Furthermore, Yamoto discloses first rate controlling means (see column 8 lines 13-20 "at one base stations" and Figure 4, Radio base station) .

Yamoto and Patel are silent about:

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As regarding claim 7, wherein the first mobile terminal comprises means for passing any of the parameters IP address, port number and/or rate control identity of the second mobile terminal to the first rate controlling means during a service set-up.

Dorenbsch from the same or similar field of endeavor discloses a call initiation protocol with the following features:

As regarding claim 7, wherein the first mobile terminal (see section 0042 lines 3- "user1 and user2") comprises means for passing (see section 0043 lines 4-8 "shows receiving, at a central point...originators...IP address") any of the parameters IP address (see section 0043 lines 7-9 "IP address"), port number (see section 0043 lines 7-9 "port number") of the second mobile terminal (see section 0043 lines 7-9 "originators" and section 0039 lines 1-10 "user3 wishes to have a...call" and section 0016 lines 1-3 "WAN" and section 0016 lines 35-45 user3@domainB) to the during a service set-up (see section 0043 lines 4-7 "call set-up").

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) by using the features, as taught by Dorenbsch, in order to provide ... (see section 0004 lines 17-19 and section 0012).

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) and Behtash et al. (US 5,745,480) as applied to claim above 19, and further in view of Kan et al (US 2004/0073655).

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For claim 21, Yamoto and Patel discloses the claimed invention as described in paragraph 8 . Furthermore, Yamoto discloses the rate controlling means (see column 8 lines 13-20 “at one base stations” and Figure 4, Radio base station).

Yamoto and Patel are silent about:

wherein comprises means for sniffing IP header in a data flow.

Kan et al from the same or similar field of endeavor discloses:

wherein comprises means for sniffing (see section 0006 lines 11-12 “traffic sniffers”)

IP/TCP header (see section 0006 lines 11-12 “TCP/IP...packet header”) in a data flow

(see section 0006 lines 29 “traffic flow”).

It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Yamoto (US 6,954,651) in view of Patel et al. (US 2003/0236827) and Behtash et al. (US 5,745,480) by using the features, as taught by Kan, in order to provide ... (see section 0004 lines 1-13).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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US-6,847,633 B1	01-2005	Ryu et al.	370/352

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US-2005/0265270 A1	12-2005	Yamato, Katsumi	370/310
US-7,106,694 B1	09-2006	Salonen et al.	370/230

The above are referenced to show transmission rate methods/systems.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenan Cehic whose telephone number is (571) 270-3120. The examiner can normally be reached on Monday through Friday 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kwang Yao can be reached on (571) 272-3182. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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SUPERVISORY PATENT EXAMINER

KC

